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Attorneys for defendants

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

13 BARBARA NEU on behalf of herself and all) Case No.: C 07-06472-CW
14 others similarly situated,)
15 Plaintiff,) NOTICE OF HEARING ON MOTION TO
16 vs.) DISMISS) Date: June 26, 2008
17 TERMINIX INTERNATIONAL, INC., THE) Time: 2:00 p.m.
18 TERMINIX INTERNATIONAL COMPANY,) Courtroom: 2)
19 THE SERVICEMASTER COMPANY,)
20 SERVICEMASTER CONSUMER SERVICES,))
SERVICEMASTER CONSUMER SERVICES)
LIMITED PARTNERSHIP,)
Defendants.)

TO ALL PARTIES AND THEIR ATTORNEY(S) OF RECORD:

25 PLEASE TAKE NOTICE that on June 26, 2008 at 2:00 p.m., or as soon thereafter as it
26 may be heard, in Courtroom 2, of the above-entitled court, located at United States District
27 Court, Northern District, 1301 Clay Street, South Tower, Courtroom 2, Oakland, Defendants

1 TERMINIX INTERNATIONAL, INC., THE TERMINIX INTERNATIONAL COMPANY,
2 THE SERVICEMASTER COMPANY, SERVICEMASTER CONSUMER SERVICES, and
3 SERVICEMASTER CONSUMER SERVICES LIMITED PARTNERSHIP will move the Court
4 to grant their Motion to Dismiss.

5 This motion is made pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure on
6 the grounds that the plaintiff is not a named party to the agreement attached to the Amended
7 Complaint and specific contract terms are not alleged; no independent duty is alleged to support
8 a negligence claim; fraud is not alleged with particularity; and insufficient facts are alleged to
9 support a claim against the ServiceMaster defendants.

10 This motion is based on this notice, the motion to dismiss and memorandum of law in
11 support thereof filed May 19, 2008, the reply memorandum which will be filed in support of this
12 motion, and any oral and documentary evidence that may be presented at the hearing on this
13 motion.

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15 DATED: May 20, 2008

HINSHAW & CULBERTSON LLP

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17

/s/ Christopher J. Borders

CHRISTOPHER J. BORDERS

Attorneys for Defendants

TERMINIX INTERNATIONAL, INC.,
THE TERMINIX INTERNATIONAL COMPANY
LIMITED PARTNERSHIP (erroneously sued herein
as The Terminix International Company),
THE SERVICEMASTER COMPANY,
SERVICEMASTER CONSUMER SERVICES, and
SERVICEMASTER CONSUMER SERVICES
LIMITED PARTNERSHIP

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